

FEDERAL MARITIME COMMISSION

DOCKET NO. 15-03

**JOHN T. BARBOUR t/d/b/a BARBOUR AUTO GROUP; BARBOUR AUTO SALES;
BARBOUR SHIPPING; AND BARBOUR SHIPPING AND TRANSPORTATION INC. –
POSSIBLE VIOLATIONS OF
SECTIONS 8 AND 19 OF THE SHIPPING ACT**

**BUREAU OF ENFORCEMENT'S RESPONSE TO NOTICE OF DEFAULT AND
ORDER TO SHOW CAUSE**

On December 8, 2015 the Administrative Law Judge (ALJ) issued a Notice Of Default And Order To Show Cause (Notice). The Notice requires the Bureau of Enforcement (BOE) to “serve and file copies of the UPS verifications of delivery of the Order of Investigation and discovery served by BOE.”

In response to the ALJ's directive to file copies of verifications of delivery of the Order of Investigation and Hearing (Commission Order), BOE files herewith the Verified Statement of Karen V. Gregory, Secretary of the Commission. Ms. Gregory's statement explains the process of serving the Commission Order, and includes copies of the UPS verifications of delivery of the Commission Order issued in this proceeding.

The UPS verifications of delivery of BOE's discovery requests were previously submitted in this proceeding as Attachments 1 and 2 to the Verified Statement of Beverly Cherry. *See*

Appendix C¹ to BOE's Motion For Decision On Default filed on October 30, 2015.

Respectfully submitted,



Peter J. King, Director
Brian L. Troiano, Deputy Director
Brenda Doty, Attorney
Bureau of Enforcement
Federal Maritime Commission
800 North Capitol St., N.W.
Washington D.C. 20573-0001
(202) 523-5783

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Bureau of Enforcement's Response to Notice Of Default And Order To Show Cause was served upon John T. Barbour t/d/b/a Barbour Auto Group; Barbour Auto Sales; Barbour Shipping; and Barbour Shipping and Transportation Inc. at 146 South St. West, Raynham, MA 02767, and at 735 Pleasant St., Fall River, MA 02723 by first class U.S. mail with postage prepaid this 7th day of January, 2016.



Brenda Doty

¹ Appendix C is comprised of Ms. Cherry's Verified Statement (Bates Nos. BOE-0201 to BOE-0203), Attachment 1 Tracking Confirmation for UPS tracking number 1Z 1Y2 R54 01 9849 9560 (Bates Nos. BOE-0204 to BOE-0205), and Attachment 2, Tracking Confirmation for UPS tracking number 1Z 1Y2 R54 01 9936 9556 (Bates Nos. BOE-0206 to BOE-0207).

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VERIFIED STATEMENT OF KAREN V. GREGORY

1. My name is Karen V. Gregory and I am the Secretary of the Federal Maritime Commission (FMC or Commission). My office address is 800 North Capitol Street NW, Room 1046 Washington, DC 20573.
2. In my capacity as Secretary, I have responsibility for the overall supervision of the various functions of the Office of Secretary (OS). Among these functions is the preparation, maintenance and disposition of the official files and records documenting the business of the Commission. See 46 C.F.R. §501.5(c).
3. As pertinent, OS has responsibility for serving the Commission's Orders of Investigation and Hearing (Orders) commencing enforcement proceedings. 46 C.F.R. §§ 501.5(c)(1)(i) and

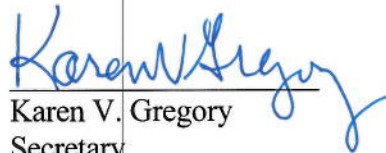
502.63(a). OS standard procedure is to serve Orders via commercial overnight courier service.

United Parcel Service (UPS) is used to effect service at domestic locations.

4. In carrying out this function, OS personnel prepare the UPS shipping envelope and the delivery instruction/receipt to accompany the envelope, obtain a tracking number for the envelope, and deliver the envelope to the Commission's Office of Management Services for pickup, or deposit the envelope in the UPS drop box located at the building loading dock. Copies of each shipment label and receipt are then placed in the Correspondence section of the official, public docket file.
5. On May 27, 2015, OS sent three (3) envelopes, each containing a copy of the FMC's Order of Investigation and Hearing instituting this proceeding, via UPS in the manner described above to three (3) separate addresses identified by the Bureau of Enforcement as addresses for Mr. Barbour, the respondent in this proceeding.
6. One envelope was sent to Mr. Barbour's residence at 146 South St. West, Raynham, MA, 02767 under UPS tracking number 1Z 1Y2 R54 A2 9179 9263. A copy of the shipping label is contained in the official, public docket file for this proceeding. The envelope was received the next day, May 28, as reflected in the UPS-generated delivery receipt attached hereto as Attachment 1.
7. Another envelope containing the Commission's Order was sent to Mr. Barbour's place of business at 735 Pleasant St., Fall River, MA 02723, under UPS tracking number 1Z 1Y2 R54 A2 9415 6040. A copy of the shipping label is contained in the official, public docket file for

this proceeding. The envelope was received the next day, May 28, as reflected in the UPS-generated delivery receipt attached hereto as Attachment 2.¹

I declare, under penalty of perjury, that the foregoing statements are true and correct.


Karen V. Gregory
Secretary

Executed this 7th day of January, 2016.

¹ The third envelope was sent to Mr. Barbour's prior place of business at 2151 GAR Highway, Swansea, MA, 02777. However, UPS was unable to deliver this envelope, stating the recipient had moved, and returned it to the Office of the Secretary.

ATTACHMENT 1



Proof of Delivery

[Close Window](#)

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number: 1Z1Y2R54A291799263
Service: UPS NEXT DAY AIR
Special Instructions: Adult Signature Required
Delivered On: 05/28/2015 10:06 A.M.
Delivered To: RAYNHAM, MA, US
Signed By: BARBOUR
Left At: Residential

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 12/15/2015 12:32 P.M. ET

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ATTACHMENT 2



Proof of Delivery

[Close Window](#)

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number:	1Z1Y2R54A294156040
Service:	UPS NEXT DAY AIR
Special Instructions:	Adult Signature Required
Delivered On:	05/28/2015 10:30 A.M.
Delivered To:	FALL RIVER, MA, US
Signed By:	BARBOUR
Left At:	Office

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 12/15/2015 12:30 P.M. ET

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